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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,662	03/09/2001	Lisa M. Guerra	BVOC011	7528
28875	7590	12/08/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			LERNER, MARTIN	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,662

Applicant(s)

GUERRA ET AL.

Examiner

Martin Lerner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 9, 10, 12 to 16, and 20 to 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9, 10, 12 to 16, 20, and 23 to 28 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9, 10, 12 to 16, 20, 23 to 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Woods et al.* in view of *Tsumpes*.

Concerning independent claims 1, 16, and 20, *Woods et al.* discloses a method, system, and computer program for a voice portal, comprising:

“conducting a session with a user utilizing a speech recognition portal, wherein access to a network is provided during the session via the speech recognition portal” – a session may be a call, a search through the website, or a call using the WAP (column 13, lines 16 to 41: Figure 5: 404); user interface 110 coordinates voice communications between voice portal 10 and the user; in an exemplary embodiment, user interface is speech oriented using word-based automatic speech recognition (ASR) for accepting input wherever possible (column 6, lines 39 to 47: Figure 2);

“receiving utterances from the user during the session via the speech recognition portal” – in general, users access voice portal 10 via telephones, such as, a cell phone 12 or a standard telephone 14 by calling a telephone number which initiates communication between telephones and voice portal 10; in an exemplary embodiment,

user interface is speech oriented using word-based automatic speech recognition (ASR) for accepting input wherever possible (column 6, lines 8 to 47: Figure 2);

“performing a speech recognition process on the utterances to interpret the utterances” – user interface 110 advantageously utilizes a funneling process which funnels user response to a set of recognizable answers (column 6, lines 49 to 53); implicitly automatic speech recognition (ASR) interprets utterances;

“dynamically configuring one or more aspects of the speech recognition portal during the session” – in an exemplary embodiment, user interface 110 performs one or more of the following tasks: . . . (4) Update a user’s preference within the set of vertical domains of interest available in voice portal 10. (5) Enable or disable user preferences for that vertical domain of interest. (6) Update a user’s expertise level either generally or within a specific vertical. . . . (12) Set the list of vertical domains available to the user and its order (column 6, line 59 to column 7, line 18);

“monitoring the speech recognition portal during the session to ascertain user preferences of the one or more aspects of the speech recognition portion, and storing the user preferences in a memory” – a session may be a call, a search through the website, or a call using the WAP (column 13, lines 16 to 41: Figure 5: 404); customer management subsystem 130 maintains, within each of the vertical domains, a set of preferences to facilitate the user interaction via voice portal 10 (column 8, line 63 to column 9, line 12: Figure 1); implicitly, the preferences stored in customer management subsystem are stored in and retrieved from memory during a session;

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“wherein the user preferences are retrieved from the memory upon initiation of a subsequent session with the user utilizing the speech recognition portal” – customer management subsystem 130 maintains customer preferences appropriate to each supported vertical domain and updates customer data from data sources dynamically (column 9, lines 3 to 5);

“wherein at least one aspect of the speech recognition portal is initially configured based on the retrieved user preferences” – voice portal 10 allows the user access to information and services from web pages 30 and 40 as well as other sources available via network 20 (column 6, lines 19 to 30: Figure 1); customer management subsystem 130 maintains customer preferences appropriate to each supported vertical domain and updates customer data from data sources dynamically; for example, in the Auctions domain of interest, current bid status is updated on user request; in the e-commerce domain of interest, pricing information is current when purchase price is presented (column 9, lines 3 to 12);

“wherein the one or more aspects of the speech recognition portal are dynamically configured based on at least one of the interpreted utterances of the user” – a user selects an item from a domain of interest by specifying attributes of the item (column 27, lines 43 to 67); automatic speech recognition receives user input for funneling a user response (column 6, lines 47 to 55); thus, “interpreted utterances of the user” produced by speech recognition dynamically configure the speech recognition portal by permitting a user to select domains of interest;

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“wherein the one or more aspects of the speech recognition portal are dynamically configured based on characteristics of the user” – recognition of customers preferably takes place via some identification key, such as, for example, a telephone number and an ID (“PIN”); additionally, the system allows for an additional level of identification (e.g. password identification); this identification preferably leads to certain preferences associated with the customer; customer management subsystem 130 maintains, within each of the vertical domains, a set of preferences to facilitate the user interactions via voice portal 10 (column 8, lines 50 to 65); further, customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as income bracket, gender, or age group (column 9, lines 13 to 24);

“wherein the one or more aspects of the speech recognition portal include a set of applications presented in the speech recognition portal during the session” – domains of interest (“a set of applications”) include a Sports domain, a Movies domain, a Traffic domain, a Stocks domain, and domains relating to restaurants, concerts, live events, taxis, and airline reservations (column 10, lines 23 to 55);

“wherein the one or more aspects of the speech recognition portal include a set of commands available for use in the speech recognition portal” – vocabulary sets advantageously allow voice portal 10 to have a limited number of possible responses (“a set of commands”) from which to use in speech recognition of user response at this point in the vertical domain of interest (column 27, lines 17 to 25: Figure 34);

“wherein the one or more aspects of the speech recognition portal include a set of verbal prompts used in the speech recognition portal” – a user can interrupt with an answer before a list or prompt is finished (column 9, lines 44 to 47); voice portal plays an introduction and prompts (column 38, lines 9 to 27: Figure 40).

Concerning independent claims 1, 16, and 20, *Woods et al.* omits only “wherein at least one alarm is provided for notifications based on alarm condition, the notifications being of type chosen from the group consisting of: a simple network management protocol (SNMP) notification, a telephone notification, an electronic mail notification, a pager notification, a facsimile notification, a short message services notification, and a wireless application protocol (WAP) push notification.” However, *Tsumpes* teaches an automatic subscriber notification system, where notification is triggered by a change in status of any sensing device or process including a sensor of an alarm system or event. The system enables automated simultaneous contact of one or more persons over a plurality of telephone and electronic communication channels via voice, pager, voice mail, fax, and email. (Column 2, Lines 33 to 50) *Tsumpes* discloses an automatic subscriber notification system for an interactive voice response (IVR) system or speech recognition device. (Column 10, Lines 24 to 29; Column 12, Lines 18 to 26) Objectives include allowing a system subscriber to preprogram and control a manner in which he wished to receive event specific notification services for use in any application. (Column 3, Lines 5 to 46) It would have been obvious to one having ordinary skill in the art to provide a feature of alarm notification based on alarm condition by telephone, electronic mail, pager, and facsimile as taught by *Tsumpes* in

the system and method for voice access to Internet-based information of *Woods et al.* in order to permit a user to preprogram an alarm notification system as to a manner in which he desires to receive event notification.

Concerning claim 7, *Woods et al.* discloses an exemplary embodiment for weather, where the preference is the location that the customer requests; by default, the user's location is their ZIP code; the Most Commonly Used Location can be overridden by a current call location, if available (column 10, lines 17 to 22).

Concerning claim 9, *Woods et al.* discloses if an identified user is subscribed, voice portal 10 has information on the user, such as, credit cards and preferences from database 170; the user may specify profile information, including addresses and credit card numbers, upon subscription (column 36, line 59 to column 37, line 2); thus, a credit card number is associated with a user profile and user preferences.

Concerning claim 10, *Woods et al.* discloses a stock domain of interest, where there is a preference of which stocks and indices to look at; a Most Recently Used (MRU) list of TBD choices of markets and stocks may be tabulated (column 10, lines 47 to 55); implicitly, a Most Recently Used (MRU) list tracks stock purchases; a preference setup and account information is established; personalized stock information is provided (column 39, line 57 to column 40, line 12: Figure 42).

Concerning claim 12, *Woods et al.* discloses backend servers 230 include a database service support with a variety of features, including data collection and fusion;

voice portal 10 detects changes to data source sites and notifies the appropriate rule manager (column 11, line 65 to column 12, line 9: Figure 3).

Concerning claim 13, *Woods et al.* discloses customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as income bracket, gender, or age group (column 9, lines 15 to 21); advertising subsystem 120 coordinates activities related to the advertisements to be presented to the user during a communication system, where advertisements may be targeted to specific users (column 7, lines 19 to 29); thus, reporting on the gender of the user during a session relates to which advertisements are presented to the user.

Concerning claim 14, *Woods et al.* discloses a rule writer may develop a set of rules associated with voice portal 10; rule writers 1010 use data organizing tool 1025 to apply one of a multitude of possible forms to “pages” of information (column 16, line 39 to column 17, line 24: Figures 10 to 24); graphical user interfaces allow non-expert rule-writers to perform data searches and create forms of rules for information retrieval; once the forms are created, the forms can be frequently used to gather updated information (column 19, lines 50 to 62); in general, a rule writer is a “third party”.

Concerning claim 15, *Woods et al.* discloses user interface 110 also uses keypad entry for accepting user input when advantageous to the user (column 6, lines 53 to 58: Figure 2); user interface 110 is a “graphical interface” for web pages 30 and 40 (column 6, lines 20 to 23: Figure 1).

Concerning claim 23, *Woods et al.* discloses a Most Commonly Used Location could be overridden by a current call location, if available (column 10, lines 20 to 22);

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additionally, a user interface platform may include WAP (wireless application protocol) ("a wireless carrier") (column 6, lines 25 to 30); implicitly, a wireless application protocol (WAP) determines a current call location by sending a request to and receiving a response from a base station.

Concerning claim 24, *Woods et al.* discloses a Most Commonly Used Location could be overridden by a current call location, if available (column 10, lines 20 to 22).

Concerning claim 25, *Woods et al.* discloses customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as income bracket, gender, or age group (column 9, lines 15 to 21); advertising subsystem 120 coordinates activities related to the advertisements to be presented to the user during a communication system, where advertisements may be targeted to specific users (column 7, lines 19 to 29); thus, reporting on the gender of the user during a session relates to which advertisements are presented to the user.

Concerning claim 27, *Woods et al.* discloses a rule writer may develop a set of rules associated with voice portal 10; rule writers 1010 use data organizing tool 1025 to apply one of a multitude of possible forms to "pages" of information (column 16, line 39 to column 17, line 24: Figures 10 to 24); graphical user interfaces allow non-expert rule-writers to perform data searches and create forms of rules for information retrieval; once the forms are created, the forms can be frequently used to gather updated information (column 19, lines 50 to 62); in general, a rule writer is a "third party", and changing rules as to how information is displayed is equivalent to a "change of profile".

Concerning claim 28, *Woods et al.* discloses all of these applications (Figure 37).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Woods et al.* in view of *Tsumpes* as applied to claims 1, 13, and 25 above, and further in view of *Kanevsky et al.*

Woods et al. discloses customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as gender (column 9, lines 15 to 21), but omits determining gender utilizing automatic speech recognition (ASR) techniques based on at least one of tone and pitch of utterances from the user. However, it is well known that a gender of a user can be distinguished by pitch through speech recognition techniques. Specifically, *Kanevsky et al.* teaches conversational data mining, where a gender of a user can be determined by classifying the pitch of user's voice. (Column 4, Lines 5 to 14) An objective is to facilitate data mining to tailor a voice system response by an attribute including gender. (Column 1, Lines 5 to 37; Column 2, Lines 1 to 30) It would have been obvious to one having ordinary skill in the art to determine a gender of a user by automatic speech recognition (ASR) techniques as taught by *Kanevsky et al.* in the system and method for voice access to Internet-based information of *Woods et al.* for the purpose of tailoring a voice system response in data mining.

Allowable Subject Matter

Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicants' arguments filed 21 November 2005 have been considered but are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Taylor discloses related art.

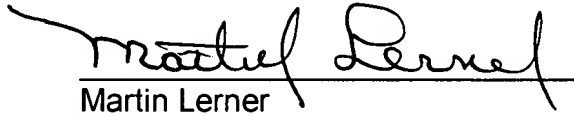
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
12/6/05



Martin Lerner
Examiner
Group Art Unit 2654